

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kimberly Eldridge	Team: Team # 4	CCRB Case #: 201112024	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 09/16/2011 1:30 PM	Location of Incident: East 175th Street and Monroe Avenue; inside of the 46th Precinct stationhouse	Precinct: 46	18 Mo. SOL 3/16/2013	EO SOL 3/16/2013	
Date/Time CV Reported Mon, 09/19/2011 2:08 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 09/19/2011 2:08 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Francis Bryant	00370	927980	046 PCT
2. POM Charles Awani	03219	941374	046 PCT
3. Officers			046 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jose Bonilla	21279	940973	046 PCT
2. POM Harry Delacruz	20377	941272	046 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Francis Bryant	Abuse: In the vicinity of East 175th Street and Monroe Avenue in the Bronx, Sergeant Francis Bryant stopped § 87(2)(b)	
B. Officers	Abuse: In the vicinity of East 175th Street and Monroe Avenue in the Bronx, officers stopped § 87(2)(b)	
C. Officers	Abuse: In the vicinity of East 175th Street and Monroe Avenue in the Bronx, officers stopped § 87(2)(b)	
D.SGT Francis Bryant	Abuse: Inside of the 46th Precinct stationhouse, Sergeant Francis Bryant strip-searched § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		

Case Summary

On September 19, 2011, § 87(2)(b) filed this complaint with the CCRB via phone. At approximately 1:30PM on September 16, 2011, § 87(2)(b) and § 87(2)(b) encountered Sergeant Francis Bryant and Officer Jose Bonilla, both of the 46th Precinct, in front of 1785 Monroe Avenue in the Bronx. § 87(2)(b) was then removed to the 46th Precinct stationhouse and released with a summons. The following allegations resulted from the officers' actions:

- **Allegation A) Abuse of Authority: In the vicinity of East 175th Street and Monroe Avenue in the Bronx, Sergeant Francis Bryant stopped § 87(2)(b)**
§ 87(2)(g)
- **Allegation B) Abuse of Authority: In the vicinity of East 175th Street and Monroe Avenue in the Bronx, officers stopped § 87(2)(b)**
§ 87(2)(g)
- **Allegation C) Abuse of Authority: In the vicinity of East 175th Street and Monroe Avenue in the Bronx, officers stopped § 87(2)(b)**
§ 87(2)(g)
- **Allegation D) Abuse of Authority: Inside of the 46th Precinct stationhouse, Sergeant Francis Bryant strip-searched § 87(2)(b)**
§ 87(2)(g)
- § 87(4-b), § 87(2)(g)

Results of Investigation

Civilian Statement

Complainant/Victim: § 87(2)(b)

- § 87(2)(b)

CCRB Statement

On October 13, 2011, § 87(2)(b) was interviewed in-person at the CCRB (enc. C3-C7). § 87(2)(b)'s statement is summarized below.

At approximately 1:00PM on September 16, 2011, § 87(2)(b) left his apartment building at § 87(2)(b) in the Bronx to go to a store at 1785 Monroe Avenue, § 87(2)(b). § 87(2)(b) left his building alone and was not carrying anything in his hands. § 87(2)(b) was unsure what he was wearing on the date of the incident, but believed that he was wearing a long sleeved baggy sweater with a fitted tank top underneath, long fitted jeans that he wore at his waist, a fitted baseball cap, and a pair of sneakers.

§ 87(2)(b) did not recall the color(s) of any of the aforementioned articles of clothing. § 87(2)(b) had approximately five dollars in his front right pants pocket so that he could purchase a sandwich from the store. § 87(2)(b) also had his cell phone in his front right pants pocket. § 87(2)(b) may have had headphones for his cellphone in his pocket as well, but he was not sure. The items did not cause a bulge in § 87(2)(b)'s pocket. § 87(2)(b) did not believe that he had anything else in any of his pockets.

§ 87(2)(b) immediately went to the store and did not stop at any other location or stop to speak with anyone while en route. As § 87(2)(b) approached the store, he observed his cousin, § 87(2)(b) and a group of four male individuals whom § 87(2)(b) did not know standing near the corner of East 175th Street and Monroe Avenue. § 87(2)(b) did not approach the males, did not say anything to the males, or otherwise acknowledge their presence at this time, and the males did not approach, say anything to, or otherwise acknowledge § 87(2)(b). § 87(2)(b) did not know what, if anything, § 87(2)(b) and the other males were doing at this time.

§ 87(2)(b) entered the store and ordered a sandwich. § 87(2)(b) waited inside for a few minutes before exiting the store. § 87(2)(b) and the four unidentified males had not moved from their position on the corner. § 87(2)(b) turned towards the group and began to walk towards them, but before he could actually reach them, a dark blue unmarked van stopped at the corner. Four police officers exited the van. Sergeant Francis Bryant of the 46th Precinct, whom § 87(2)(b) identified by name (Sergeant Bryant provided his name at the precinct) and described as a 6'2"-6'3" tall dark-skinned black male with a muscular build and a low haircut who appeared to be in his late 30s, and was dressed in plainclothes, stood immediately outside of the van and called out to § 87(2)(b) "Hey, come here." § 87(2)(b) immediately complied and approached Sergeant Bryant, who asked § 87(2)(b) if he had identification on him. § 87(2)(b) explained that he had temporary identification, but it was in his apartment. § 87(2)(b) offered to retrieve his temporary identification, but Sergeant Bryant stated that would not be necessary. Sergeant Bryant did not say anything else before an officer, whom § 87(2)(b) described as a dark-skinned black male who had a medium build, appeared to be in his mid-30s, and was dressed in uniform and who was identified via the investigation as Officer Charles Awani of the 46th Precinct, handcuffed § 87(2)(b) without incident. Officer Awani then placed § 87(2)(b) into the police van and sat next to him. § 87(2)(b) was not frisked or searched prior to being placed into the van.

Sergeant § 87(2)(b) [sic] approached another officer, whom § 87(2)(b) described as a 5'6"-5'7" tall Puerto Rican male, who was in his late 20s, had a medium build and curly black hair, who was dressed in uniform and whom the investigation identified as Officer Jose Bonilla of the 46th Precinct. Officer Bonilla was standing with an unidentified officer, PO1, whom § 87(2)(b) could not describe or identify. Officer Bonilla and PO1 were dealing with § 87(2)(b) and his friends. § 87(2)(b) and the unidentified males were "put against the wall," but § 87(2)(b) did not see how their interaction with the officers began, know which officer(s) initiated the encounter, or know the nature of the interaction. Fifteen to twenty pedestrians stopped by at various points to watch what was occurring, but § 87(2)(b) did not know any of these individuals.

Sergeant Bryant, Officer Bonilla, and PO1 returned to the van ten minutes later. The officers transported § 87(2)(b) to the 46th Precinct stationhouse. Upon arriving at the stationhouse, Sergeant Bryant brought § 87(2)(b) before the front desk, at which time § 87(2)(b) was asked to provide his pedigree information. Sergeant Bryant repeatedly asked § 87(2)(b) if he had anything on him and § 87(2)(b) repeatedly stated that he did not. Sergeant Bryant responded, "I don't know you. Why should I believe you?" § 87(2)(b) again asserted that he did not have anything on him. None of the other three officers who were in the van were standing at the desk with them at this time. Sergeant Bryant did not frisk or search § 87(2)(b) while they were at the front desk. They were at the front desk for a matter of minutes before Sergeant Bryant led § 87(2)(b) past the holding cells and into a bathroom. Sergeant Bryant stood

with § 87(2)(b) inside of the bathroom while Officer Bonilla stood in the doorway. Sergeant Bryant removed the handcuffs from § 87(2)(b)'s wrists. Sergeant Bryant then removed § 87(2)(b)'s hat from his head and looked inside of it. Sergeant Bryant ordered § 87(2)(b) to remove his shirt. § 87(2)(b) stated that he did not have anything on him, but did remove both of his shirts. Sergeant Bryant then told § 87(2)(b) to take off his shoes and pull out his shoelaces. § 87(2)(b) complied. Sergeant Bryant then ordered § 87(2)(b) to remove his pants. After § 87(2)(b) complied, Sergeant Bryant told § 87(2)(b) to remove his underwear. § 87(2)(b) again stated that he did not have anything on him, but did remove his underwear. Once § 87(2)(b) was naked, Sergeant Bryant told § 87(2)(b) to turn around and face the wall. Sergeant Bryant then told § 87(2)(b) to bend over and cough one time. After § 87(2)(b) complied, Officer Bonilla told § 87(2)(b) to get dressed. § 87(2)(b) was then placed in a holding cell where he remained for two hours before he was released with a summons for § 87(2)(b).

Attempts to Contact Civilians

§ 87(2)(b)
As per the 46th Precinct's handwritten stop, question, and frisk log, § 87(2)(b) was one of the unidentified males involved in this incident. The report that was generated for § 87(2)(b) contained his address. On March 20, 2012, the investigator sent a please call letter to § 87(2)(b) via his listed address. A search of the Lexis Nexis database confirmed § 87(2)(b)'s address, and provided a possible phone number for him. On April 23, 2012, the investigator spoke with § 87(2)(b) who confirmed his contact information. § 87(2)(b) stated that he did not recall this incident, but agreed to appear at the CCRB on April 6, 2012. § 87(2)(b) missed his scheduled appointment without calling to cancel or reschedule. On April 6, 2012, the investigator sent § 87(2)(b) a missed appointment letter. The investigator attempted to contact § 87(2)(b) via phone twice more, but there was no response. A July 2, 2012 search of the New York City Department of Correction Inmate Locator Services website confirmed that § 87(2)(b) is not and has not been incarcerated. To date, § 87(2)(b) has not contacted the investigator. Additional attempts to contact § 87(2)(b) were not made because § 87(2)(b) was adamant that he did not recall this incident.

§ 87(2)(b)
§ 87(2)(b) provided an address and two phone numbers for § 87(2)(b). The address that § 87(2)(b) provided was the same as that which was listed on the handwritten stop, question, and frisk report that Officer Bonilla prepared for § 87(2)(b) in relation to this incident. On December 12, 2011, the investigator sent a please call letter to § 87(2)(b) at his listed address. Additionally, the investigator attempted to contact § 87(2)(b) via each of the phone numbers provided by § 87(2)(b). § 87(2)(b)'s cell phone was no longer in service. Upon calling § 87(2)(b)'s reported home phone number, the investigator spoke with § 87(2)(b)'s grandmother, who stated that § 87(2)(b) could no longer be reached via the home phone number or the listed address and noted that § 87(2)(b) had moved to Massachusetts. § 87(2)(b)'s grandmother declined to provide any updated contact information for § 87(2)(b). A search of the Lexis Nexis database and 411.com provided an address in § 87(2)(b) and a possible phone number for § 87(2)(b). On February 10, 2012 and March 6, 2012, the investigator sent a please call letter to § 87(2)(b) via the database provided address. Neither of the please call letters was returned to the CCRB as unable to forward by the United States Postal Service. When the investigator attempted to contact § 87(2)(b) via the database provided phone number, a voice prompt indicated that the number was no longer in service. A July 2, 2012 search of the New York City Department of Correction Inmate Locator Services website confirmed that § 87(2)(b) is not and has not been incarcerated. To date, § 87(2)(b) has not contacted the investigator.

NYPD Statements

Witness Officer: OFFICER JOSE BONILLA (46th PRECINCT)

- *Officer Jose Bonilla is a § 87(2)(b)-old Hispanic male who is 5'7" tall and weighs 175 pounds. Officer Bonilla has brown hair and green eyes.*
- *On September 16, 2011, Officer Bonilla worked from 9:30AM to 6:05PM. Officer Bonilla was dressed in uniform and he and his partners, Sergeant Francis Bryant and Officer Charles Awani, were assigned to conditions detail in an unmarked van.*

Memo Book

Officer Bonilla had a memo book entry at 1:50PM in which he noted that one male was approached for acting belligerent, loud, and irrational at the intersection of East 175th Street and Monroe Avenue in the Bronx (enc. D1-D2). C-summons § 87(2)(b) was issued.

Stop, Question, and Frisk Reports

Officer Bonilla completed stop, question, and frisk reports for § 87(2)(b) and § 87(2)(b) (enc. D3-D4 and D6-D7). The time listed on the reports is 1:15PM and the location of the stop is the intersection of East 175th Street and Monroe Avenue. The suspected offense is robbery. As per the reports, neither § 87(2)(b) nor § 87(2)(b) was frisked or searched.

Summons

Officer Bonilla issued § 87(2)(b) summons § 87(2)(b) for § 87(2)(b) (enc. D9).

CCRB Statement

On May 22, 2012, Officer Jose Bonilla was interviewed at the CCRB (enc. D10-D11). Officer Bonilla's statement is summarized below.

Officer Bonilla, Sergeant Bryant, and Officer Awani were conducting routine patrol within the confines of the 46th Precinct when they observed a group of four to five males loudly arguing at the intersection of East 175th Street and Monroe Avenue. Officer Bonilla had not previously noticed the males and did not know how long they had been at the location or from where they came. The area is a drug prone location that is known for robberies and shootings. The conditions team closely watches the area in an attempt to prevent major incidents from occurring.

Officer Bonilla did not recall the nature of the argument, but did note that he and his partners suspected that the argument could escalate to a physical altercation if it was not stopped. However, none of the males were engaged in physical contact at the time. There was nothing else suspicious about the group. The officers made a joint decision to stop and approach the males. Their purpose was to stop the argument, disperse the group, and ensure that the incident did not progress any further. All three officers exited the van and approached the group. The officers repeatedly issued orders to disperse, stating, "Break it up! Break it up! Let's go." Most of the males complied with the directives and walked away from the location. Officer Bonilla did not recall directly interacting with the males who left the location. The investigator showed Officer Bonilla the handwritten stop, question, and frisk reports that he prepared for § 87(2)(b) and § 87(2)(b). Officer Bonilla acknowledged that he prepared the reports, but did not recall what about his encounters with § 87(2)(b) and § 87(2)(b) led to the preparation of those reports. Viewing the reports did not help to jog Officer Bonilla's memory about the incident.

One of the males, identified via the investigation as § 87(2)(b) remained at the location and yelled after the other males as they walked away. Once the males were out of sight, § 87(2)(b) turned his attention to the officers and yelled and cursed at them. Officer Bonilla did

not recall what exactly § 87(2)(b) said to the males who left or to the officers, but noted that § 87(2)(b) refused repeated orders to calm down and leave the scene. Officer Bonilla did not recall if there were other civilians in the area or if anyone exited nearby buildings or establishments to watch the incident. Because § 87(2)(b)'s behavior was not changing, Officer Bonilla and his partners decided that they were going to issue § 87(2)(b) a summons for § 87(2)(b). The officers, however, worried that if they issued a summons at the scene and left § 87(2)(b) there, he would continue to act disorderly and would incite a more significant incident. The decision was then made to remove § 87(2)(b) to the stationhouse and release him with a summons. Officer Bonilla did not recall whose decision it was to do so. § 87(2)(b) was to be removed to the stationhouse because of his demeanor and because the officers wanted to completely remove any and all possibility of a major incident happening at the location because they left § 87(2)(b) there. Officer Bonilla did not recall who handcuffed § 87(2)(b) but noted that the officer who did so did not have any difficulty doing so.

The officers transported § 87(2)(b) to the 46th Precinct stationhouse. During transport, Officer Bonilla spoke with § 87(2)(b) who eventually began to calm down. Officer Bonilla did not recall if § 87(2)(b) was ever asked about his identification, and did not recall whether § 87(2)(b) indicated that there was an issue with his identification.

Once at the stationhouse, § 87(2)(b) was placed in a holding cell while Officer Bonilla ran his name for warrants and completed his § 87(2)(b) summons. § 87(2)(b)'s clothing was searched prior to him being placed in a cell so that they could confirm that § 87(2)(b) was not armed and so that his property could be held for safekeeping whilst he was at the stationhouse. Officer Bonilla did not observe Sergeant Bryant or any other officer strip-search § 87(2)(b) and § 87(2)(b) never complained that he had been strip-searched. Officer Bonilla did not have sight of § 87(2)(b) once he was in the holding cell area. Sergeant Bryant and Officer Awani remained at the stationhouse while Officer Bonilla processed § 87(2)(b) but Officer Bonilla did not observe any interactions § 87(2)(b) may have had with Sergeant Bryant.

Subject Officer: SERGEANT FRANCIS BRYANT (46th PRECINCT)

- *Sergeant Francis Bryant is a § 87(2)(b)-old Black male who is 6'3" tall and weighs 230 pounds. Sergeant Bryant has a bald head and black eyes.*
- *On September 16, 2011, Sergeant Bryant worked from 9:30AM to 6:12PM. Sergeant Bryant did not recall whether he was dressed in uniform. Sergeant Bryant was the conditions sergeant, but did not independently recall the identities of the officers who were on his team. Sergeant Bryant did not recall the vehicle to which he was assigned.*

Memo Book

Sergeant Bryant did not have any memo book entries regarding this incident (enc. D12-D13).

CCRB Statement

On May 17, 2012, Sergeant Francis Bryant was interviewed at the CCRB (enc. D14-D15). Sergeant Bryant did not have an independent recollection of this incident. The investigator provided Sergeant Bryant with a brief synopsis of the incident and showed him a photo of § 87(2)(b) neither of which helped to jog his memory. Sergeant Bryant reviewed the stop and frisk reports generated for § 87(2)(b) and § 87(2)(b) but they also did not help to jog his memory. Sergeant Bryant did not recall removing any civilians to the 46th Precinct stationhouse and releasing them from the stationhouse with a summons. Sergeant Bryant stated that even if someone had been removed to the stationhouse and released with a summons, that person would not have been strip-searched as it is not procedure (and it is not permissible) to do so. Sergeant Bryant

reviewed the command log entry generated for § 87(2)(b) and noted that if § 87(2)(b) had been strip-searched, it would have been noted in the command log, the prisoner's movement slip, and the memo book of the officer who conducted the search. Since the strip-search was not noted, Sergeant Bryant did not believe that he strip-searched § 87(2)(b). Sergeant Bryant also noted that he is the person to authorize any strip-searches conducted by any member of his team and he would be the person to make the related entry in the command log.

Subject Officer: OFFICER CHARLES AWANI (46th PRECINCT)

- *Officer Charles Awani is a § 87(2)(b)-old Black male who is 6'3" tall and weighs 260 pounds. Officer Awani has black hair and brown eyes.*
- *On September 16, 2011, Officer Awani worked from 9:30AM to 6:05PM. Officer Awani was dressed in uniform, and he and his partners, Sergeant Francis Bryant and Officer Harry Delacruz, were assigned to Conditions detail in an unmarked black van.*

Memo Book

Officer Awani did not have any entries in his memo book regarding this incident, but he remembered who he was working with and the vehicle to which they were assigned (enc. D16-D17).

CCRB Statement

On May 9, 2012, Officer Charles Awani was interviewed at the CCRB (enc. D18-D19). Officer Awani had no recollection of this incident. The investigator provided Officer Awani with a brief synopsis of the incident and showed him a photo of § 87(2)(b) neither of which helped to jog his memory. Officer Awani did not recall stopping or interacting with a group of three males at the location. Officer Awani did not recall observing Sergeant Bryant stop or interact with a male at the location. Officer Awani did not recall handcuffing or detaining any male individuals. Officer Awani did not recall transporting § 87(2)(b) or any additional civilians to the 46th Precinct stationhouse. Officer Awani was not sure whether he worked with Sergeant Bryant or Officer Delacruz for the duration of his tour, and noted that officers often rotate out of the van when they have arrests or some other obligation to attend to. Officer Awani did not recall or have noted in his memo book any significant incident or interaction that he may have had during his tour, and believed that he stayed with the van, but he was unsure whether Sergeant Bryant and Officer Delacruz did so. Moreover, Officer Awani was unsure of who, if anyone, may have rotated into the van.

Witness Officer: OFFICER HARRY DELACRUZ (46th PRECINCT)

- *Officer Harry Delacruz is a § 87(2)(b)-old Hispanic male who is 6'3" tall and weighs 190 pounds. Officer Delacruz has black hair and black eyes.*
- *On September 16, 2011, Officer Delacruz worked from 7:00AM to 3:35PM. Officer Delacruz was dressed in uniform. In the morning, Officer Delacruz appeared in court. At approximately 10:00AM, Officer Delacruz's court appearance ended, and he joined the conditions team. Officer Delacruz, however, did not recall the identities of the other officers on the conditions team. Officer Delacruz knew that the team was assigned to a motor vehicle, but did not know which vehicle it was assigned to.*

Memo Book

Officer Delacruz did not have any entries in his memo book regarding this incident. He did, however, have an entry at 10:50AM indicating that he had an arrest (enc. D20-D21). Officer Delacruz did not know whether he resumed patrol after the arrest and did not have any entries in

his memo book regarding arrest processing or any additional activities in which he may have partaken during his tour.

CCRB Statement

On May 9, 2012, Officer Harry Delacruz was interviewed at the CCRB (enc. D22-D23). Officer Delacruz had no recollection of this incident. The investigator provided Officer Delacruz with a brief synopsis of this incident and showed him a photo of § 87(2)(b) neither of which helped to jog his memory. Officer Delacruz did not recall stopping or interacting with a group of three males at the location. Officer Delacruz did not recall participating in any incidents with Officer Jose Bonilla or Sergeant Francis Bryant. Aside from his arrest, Officer Delacruz did not recall transporting any additional civilians to the 46th Precinct stationhouse. Officer Delacruz did not recall Sergeant Bryant or Officer Bonilla bringing any civilians into the stationhouse. Officer Delacruz did not recall observing Sergeant Bryant or Officer Bonilla taking any civilians into a bathroom or rear room and did not know or hear anything about either of them being involved in a strip-search.

NYPD Documents

Command Log

The Command Log entry generated in relation to § 87(2)(b)'s arrival at the 46th Precinct stationhouse does not indicate that § 87(2)(b) was strip-searched (enc. E7-E13).

Roll Call

As per the 46th Precinct's Tour 2 Roll Call, Sergeant Bryant, Officer Bonilla, Officer Awani, and Officer Delacruz were all working together and assigned to the same vehicle. There are no other officers listed as working as part of their team or out of their vehicle (enc. E14- E23).

Disposition of Summons

- On November 30, 2011, summons number § 87(2)(b) was dismissed.

Status of Civil Proceedings

- On § 87(2)(b), § 87(2)(b) filed a Notice of Claim with the City of New York in which he claimed that he was falsely arrested and illegally strip-searched. § 87(2)(b) is seeking ten million dollars as redress (enc. G1-G4).

Civilian Criminal History

- § 87(2)(b), § 87(2)(c)
[REDACTED]
[REDACTED]
■ [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
■ [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
■ [REDACTED]
[REDACTED]

- § 87(2)(b), § 87(2)(c) [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Civilian CCRB History

- This is the first CCRB complaint for § 87(2)(b) and § 87(2)(b) (enc. B5 and B6).
- This is § 87(2)(b)'s second CCRB complaint (enc. B7). § 87(2)(b) [REDACTED]

Subject Officer CCRB History

- The CCRB has substantiated one allegation against Sergeant Bryant in his ten years of service to the NYPD (enc. B1-B2). In CCRB case number 200910870, a stop allegation was substantiated. The NYPD imposed penalty was instructions.
- The CCRB has substantiated three allegations against Officer Awani in his five years of service to the NYPD (enc. B3-B4). In CCRB cases 200902979 and 200904056, stop allegations were substantiated against Officer Awani. In CCRB case 200919404, a refusal to provide name and shield allegation was substantiated against Officer Awani. In all three cases, the NYPD imposed penalty was command discipline – B.

Conclusion

Identification of Subject Officer

- § 87(2)(b) identified Sergeant Bryant by name. Sergeant Bryant fits the description provided by § 87(2)(b)

Investigative Findings and Recommendations

- **Allegation A) Abuse of Authority: In the vicinity of East 175th Street and Monroe Avenue in the Bronx, Sergeant Francis Bryant stopped § 87(2)(b)**

It is undisputed that § 87(2)(b) was stopped. § 87(2)(b) alleged that Sergeant Bryant stopped him immediately after he exited a store, and that prior to being stopped, he had not been engaged with any civilians who may have been in the area or involved with any incident that may have been occurring. § 87(2)(b) did not state that he heard or observed a dispute that may have been occurring in the area. Officer Bonilla was the only officer who recalled this incident. Officer Bonilla alleged that § 87(2)(b) was approached because he and several other males were involved in a loud argument that officers feared would turn into a physical altercation. As per Officer Bonilla, § 87(2)(b) was free to leave the area and was encouraged to do so. It was not until § 87(2)(b) failed to comply with directives and continued to act disorderly that § 87(2)(b) was stopped. As per Officer Bonilla, § 87(2)(b) was stopped and detained with the purpose of releasing him from the stationhouse with a § 87(2)(b) summons. Officer Bonilla was unable to identify whose decision it was to remove § 87(2)(b) to the stationhouse and release him with a summons.

Ultimately, Officer Bonilla issued § 87(2)(b) a summons for § 87(2)(b). The summons, however, was dismissed on November 30, 2011. Officer Bonilla completed stop, question, and frisk reports for § 87(2)(b) and § 87(2)(b) both of whom were stopped in relation

[illegible]

- § 87(2)(b) acknowledged that there was some type of interaction between officers and § 87(2)(b) and § 87(2)(b) but was unable to attest to the nature of the interaction. Officer Bonilla completed a stop, question, and frisk report for § 87(2)(b) and § 87(2)(b) but did not recall any details about the incident that would explain the reasons for doing so. The CCRB was unable to contact § 87(2)(b) and obtain a statement from him. The CCRB was able to contact § 87(2)(b) but § 87(2)(b) stated that he did not remember any details about the incident and missed two scheduled appointments. § 87(2)(g)

- [illegible]

Team: 4

Investigator:	_____	<u>Kimberly Eldridge</u>	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date